

# Memorandum

**To:** File, 233 Hillspoint Road  
**From:** L.Montagna, Zoning Official (updated)  
C. Tyminski, Planner (updated)  
Michelle Perillie, Planner  
**Date:** April 17, 2012 Revised: 7/17/2018 Revised 8/24/20  
**Re:** 233 Hillspoint Road, Recent Zoning History

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12/23/19	<b>Stop Work Order issued by the Building Department</b>
12/20/19	<b>Cease and Desist issued</b> for construction of new single family residence not in compliance with plan approved in ZBA application #7629.
12/20/19	<b>Zoning Permit #42345 revoked</b> for construction not in compliance with approved plans
12/19/19	<b>Complaint received</b> regarding construction not in compliance with approved plans.
11/26/18	<b>Zoning Permit #42345</b> issued for construction of new single family residence per ZBA approval #7629 and CAM approval #18-035
7/26/18	<b>Coastal Site Plan Application #18-035 approved for construction of new single family residence</b>
5/08/18	<b><u>Zoning Board of Appeals</u></b> (#7629) application for relief from coverage and setback variances for a modified proposal from 2017 which included a house which was reduced in size and the removal of the pool from the proposal, was approved.
12/5/17	<b><u>Zoning Board of Appeals</u></b> application (#7592) for lot coverage and setback for the construction of a new single-family residence on this property. This proposal included a new pool and a larger house and the Board stated that the applicant failed to establish a hardship; application Denied.
11/11/16	<b>An affidavit from the owner was filed on the land records indicating the abandonment of commercial use of the property as of 1/1/15.</b>
10/3/14	<b>Removal of Cease and Desist issued 10/3/00.</b>
10/3/12	<b>Request for continued compliance for removal of unscreened dumpsters.</b>
9/20/12	<b>Notice of Violation</b> issued for unscreened dumpsters
8/30/12	<b>Inspection confirmed door removed, violation corrected</b>
7/27/12	<b>Complaint submitted</b> regarding unscreened dumpsters.

- 7/27/12 **Inspection** confirmed removal of patio
- 7/24/12 **Abeyance issued** for patio and door for 30 days
- 7/10/12 **Abeyance issued** for patio and door for 30 days
- 7/3/12 **Notice of Violation** issued for exterior changes without approvals (installation of door on south elevation).
- 6/27/12 **Complaint** submitted regarding installation of door without approvals
- 6/7/12 Negative **§8-24 Report** for lease of Town land for a one year period to prove an outdoor eating area and to provide two parking spaces for Positano's Restaurant.
- 5/30/12 **Complaint submitted** regarding dumpster not screened
- 5/30/12 **Complaint submitted** regarding illegal rear patio
- 2012 Companion application to the **Zoning Board of Appeals** (#7067) for a §8-24 to lease land from Town and requested relief by applying for 10 variances.
- 8/8/01 **Zoning Permit #31184 issued for relocated mop sink for Positanos Restaurant.**
- 3/15/01 **Site Plan** Application #01-002 approved for minor interior changes to Capri Restaurant to change it to Positano 2 Restaurant. Condition of approval #2 included the following:  
  
*"This is a pre-existing non-conforming use in a residential zone. The patron floor area cannot be expanded. The interior stairway is to be used only by restaurant employees and when the restaurant is open to be used by employees or service personnel for limited access only to the walk-in refrigerator. The gate at the bottom of the interior stairway to be kept secured. There is to be no patron access to the second floor."*
- 10/3/00 **Cease and Desist Order** issued for patio constructed without permit on town property within the setbacks and over the allowable coverage.
- 9/21/00 Negative **§8-24 Report** regarding encroachment of a newly constructed patio area on Town-owned property. The resolution states, *"It is recommended that Town-owned property, especially near the water, should not be sold or leased. Town-owned property is for public use"*.
- 4/26/00 **Complaint submitted** regarding excessive lighting
- 12/3/99 **Complaint submitted** regarding patio being constructed without approvals
- 6/29/99 **Site Plan** Application #99-050 approved for a revision of façade that was approved as Resolution #99-010. (ARC).
- 3/11/99 **Zoning Permit #28855 issued** for work approved in Site Plan Application #99-010 and wall sign for Capri Restaurant. ZCC issued 3/24/00.
- 3/2/99 **Site Plan** Application #99-010 approved to renovate interior space for a pre-existing non-conforming restaurant (Capri Restaurant) including replacement of roofing and windows and new exterior surface. Some of the conditions of approval included the following:

- *No apartment is allowed on the lot;*
- *That the exterior doors shown on the east elevation are to be changed to windows;*
- *That the dumpster will be relocated to the south east corner of the building where the site plan shows parking space #8 and parking space #8 is to be relocated north of parking space #1 shown on the above referenced plans;*
- *The rooftop mechanical units must be screened as required by variance #4918 and Zoning Permit #26152;*
- *The restaurant approval is for on-site dining and it cannot serve take-out orders nor offer delivery of food to the customers' homes;*
- *There can be no outdoor dining/patio;*
- *The first floor cannot be lowered.*

12/3/98      Positive **S8-24 Report** regarding the sale of 6.69 square feet of Town-owned land.

4/27/98      **Sign Violation letter issued**

10/16/97    **Complaint received regarding signage**

4/18/95      **Zoning Permit #26152** issued for repair existing awning. ZCC not issued.

5/24/94      **Zoning Board of Appeals** application (#4918) granted variance to allow for change of pre-existing non-conforming double faced sign in the same location and mechanical screening.

2/22/94      **Zoning Permit #25314** issued for interior renovations to bring bathrooms up to building/handicap code to the Beach House Restaurant. ZCC issued 5/25/94.